

REMARKS

Claims 1-25 were presented for examination and are pending. Claims 1-8 and 13-25 are rejected. Reconsideration is respectfully requested.

The 35 U.S.C. § 112 Rejections

Claim 1 is rejected because the claim lacks antecedent basis for the limitation: "computing the twice-daily and bi-yearly temperature spreads of said host and said object site".

The applicant has amended this phrase to provide proper antecedent basis. Therefore the rejection should be withdrawn.

Claims 5, 6 and 13 are rejected as failing to comply with the enablement requirement. The rejection is respectfully traversed.

The term "surface-climate energy budget (SCEB) code" has been replaced with the term "energy budget equation". The term SCEB code is an erroneous reference to a discussion in a paper incorporated by reference in the application. The paper is cited as:

LeSchack and Del Grande, "A Dual-Wavelength Thermal Infrared Scanner as a Potential Airborne Geophysical Exploration Tool," Geophysics, VOL. 41, No 6 (December 1976) P. 1318-1336.

On page 1325 of the paper, there is a discussion of the use of "environmental input variables" for input into "energy budget equations". As stated on page 1326; "The output of this model is the absolute temperature as a function of solar time for each survey point." Therefore the rejection should be withdrawn.

The 35 U.S.C. § 103 Rejections

Claims 1-4, 7, 8 and 14-20 are rejected as being unpatentable over Prelat et al. in view of Torgersen et al. and Sunlin et al. The rejection is respectfully traversed.

As discussed in the attached Declaration, incorporated herein by reference, the references do not teach or make obvious the steps of simulating the host and object site temperatures to determine a usable sensing time and then performing that sensing step at the calculated time and then again at a later time, where each sensing step includes imaging wavelengths from two specific thermal IR wavebands at two locations to locate and characterize subsurface objects.

Therefore the rejection should be withdrawn.

Claims 21-25 are rejected as being unpatentable over Prelat et al., Torgersen et al. and Sunlin et al. as applied to claim 1 above and further in view of Nunnally et al. The rejection is respectfully traversed.

The rejection of claim 21-25 should be withdrawn because they depend from claim 1, which should be allowable over Prelat et al., Torgersen et al. and Sunlin et al. as discussed above. Therefore the rejection should be withdrawn.

Allowable Subject Matter

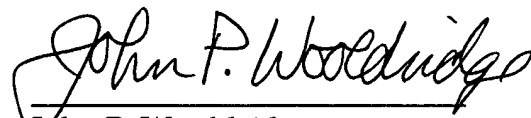
Claims 9-12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusions

It is submitted that this application is in condition for allowance based on claims 1-25 in view of the amendments to the specification, the attached Declaration and the foregoing comments.

If any impediments remain to prompt allowance of the case, please contact the undersigned at 808-875-0012.

Respectfully submitted,

A handwritten signature in black ink, reading "John P. Wooldridge". The signature is written in a cursive style with a horizontal line underneath the name.

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Dated: July 22, 2006